

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRANCE PUGH,

Plaintiff,

vs.

Case No. 12-12357
HON. GERSHWIN A. DRAIN

KELLY HOLDEN-SELBY, *et al.*,

Defendants.

ORDER ACCEPTING AND ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION [#28] AND DENYING PLAINTIFF'S
MOTION TO AMEND [#17]

Plaintiff, proceeding *pro se*, filed the instant 42 U.S.C. § 1983 prisoner civil rights action on May 31, 2012. Plaintiff claims that Defendants were deliberately indifferent to his serious medical needs in violation of the Eighth Amendment. He further alleges a retaliation claim under the First Amendment.

On November 7, 2012, Magistrate Judge Charles E. Binder issued a Report and Recommendation recommending that Defendant, Richard Miles, be *sua sponte* dismissed from this action based on Plaintiff's failure to provide this Court with accurate and sufficient information to effect service of the Summons and Complaint upon Defendant Miles. The report and recommendation further recommends that Plaintiff's Motion to Amend the Complaint to add Corizon Corporation as a party defendant be denied because Plaintiff cannot state a viable claim against this proposed defendant, thus amendment would be futile.

To date, Plaintiff has failed to file any objections to the magistrate judge's report and

recommendation, which were due within fourteen days from the date the report and recommendation was filed. See Fed. R. Civ. P. 72(b)(2). Upon review of the report and recommendation, the notice to Plaintiff regarding service (Dkt. No. 16), and Plaintiff's Motion to Amend, the Court finds that the Magistrate Judge reached the correct conclusion.

Accordingly, the report and recommendation of Magistrate Judge Charles E. Binder, dated November 7, 2012, is ACCEPTED and ADOPTED as this Court's findings and conclusions of law.

Plaintiff's Motion to Amend [#17] is DENIED.

SO ORDERED.

Dated: December 4, 2012

/s/ Gershwin A.Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on December 4, 2012, by electronic and/or ordinary mail and also to Terrance Pugh, #492273, at Earnest C. Brooks Correctional Facility, 2500 S. Sheridan Drive, Muskegon Heights, MI 49444.

/s/ Tanya Bankston
Deputy Clerk